

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **FREE CONFERENCE COMMITTEE ON SENATE BILL 375**

**Call to Order:** By **CHAIRMAN COREY STAPLETON**, on April 16, 2003 at 3:00 P.M., in Room 317A Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Corey Stapleton, Chairman (R)  
Rep. Debby Barrett, Chairman (R)  
Rep. John Brueggeman (R)  
Sen. Jim Elliott (D)  
Rep. Christopher Harris (D)  
Sen. Gary L. Perry (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Larry Mitchell, Legislative Services  
Fredella D. Haab, Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB375, 3/15/2003

**CHAIRMAN COREY STAPLETON, SD 10, BILLINGS**, called to order the Free Conference Committee on **SEN. JIM ELLIOTT, SD 36 TROUT CREEK**, SB 375.

**SEN. ELLIOTT** said there was not a lot wrong as far as he was concerned with the House amendments but there was a gentleman here in Helena, Don Hilger, who was concerned with the House amendments as stringently as they were written would prevent him from doing business and he didn't want that to happen. So **Will Selser, Solid Waste Board**, in Helena, wrote up some proposed amendments to the bill and they were acceptable to me. One of them could be put on the conference committee, but all three of

them could not. We needed the free conference committee to do that. They would be in addition to the House amendments. Amendment #1 would disallow tire bales to be used within 500 feet of any road, commercial business, or private residence unless they were encased in concrete or some other material. Amendment #2 allowed the department to adopt rules authorizing other aboveground uses for tire bales. Amendment #3 states that once a waste tire bale loses its integrity, in other words the bands break or the ties break, it then becomes solid waste and disposed of and was subject to the disposal requirements and penalties of solid waste in general.

There are several different companies that make baling machines. **Mr. Hilger** in Helena uses stainless steel wire which is probably the best way to do it. There are others that use just #9 wire and that rusts. There was also 1/2" strapping or 1" strapping. He didn't know which it was but that was more susceptible to breakage. Depending on the way the bales were bound, there was a difference in which breaks quicker.

**SEN. STAPLETON** asked if it were in **SEN. ELLIOTT'S** mind that these amendments would address the concerns of **Mr. Hilger**?

**SEN. ELLIOTT** said they were drawn up by **Mr. Selser** and **Commissioner P. Trusler, Lake County**, where some of these tires reside, and he believed **Mr. Selser** was acting on behalf of **Mr. Hilger**.

**REP. CHRISTOPHER HARRIS, HD 30, BOZEMAN**, had a question on the first amendment. Within 500 feet of any road, commercial business, or private residence, where in your view will the baled tires end up under those circumstances?

**SEN. ELLIOTT** said precisely in the middle of a field perhaps. The second amendment allowed the department to restrict that. The House amendments do not allow the bales to be placed under water in any circumstance, so they won't be under water even though they are 500 feet away from whatever and if they are not 500 feet away they must be encased in concrete or a similar material. The uses, there are several punitive uses for them. One was for fencing which he supposed was a way to go. Other areas they are used is automobile racing as buffers between the automobiles and the crowd. He didn't have any idea what people do with baled tires. Burning was a very good option but there are some rules against that.

**REP. HARRIS** questioned if they were dealing with the House amendments, your amendment would say, "prohibited from any above ground purpose within 500 feet, etc. unless they are encased."

So if they can be not encased, they are outside the 500 feet?

**SEN. ELLIOTT** agreed. However, under the proposed amendments they would then be subject to the solid waste rules if they broke.

**REP. HARRIS** stated that if they don't break they are not solid waste.

**REP. HARRIS** said then the department under the second amendment would have the authority to adopt rules authorizing above ground uses for waste tire bales. Does that assume that was solid waste or can they adopt the rules whether they or solid waste or not?

**SEN. ELLIOTT** said it was his understanding that tire bales are not solid waste. They are a product and his understanding there was a difference between waste and a product was the sale ability. Other words if he threw a bale of tires out, it is solid waste. If he sold it for a dime, it was a product.

**REP. HARRIS** suggested they take word "waste" out of the phrase "waste tire bale." That would give the department authority regardless of whether it was a waste and regardless whether it was a product. That won't cause the department to flounder among themselves.

**SEN. ELLIOTT** had no objection to having that change.

**SENATOR GARY PERRY, SD 16, MANHATTAN**, asked if a bale breaks and the tires fall on the ground, they might then become waste? Are tires if they were on an old car and the car is junked, was it also waste?

**CHAIRMAN STAPLETON** answered that they were dealing with bales?

**SEN. PERRY** wanted to know what the real purpose of the bill and what were they trying to accomplish? There had been a lot of joking about it in the Senate and it was kind of a funny bill they kind of passed through. When they really got to looking at it he said what are we doing? What was the objective?

**CHAIRMAN STAPLETON** answered that where this bill began was a constituent bill. It seemed at the outset to be very much of a neighbor versus neighbor situation when they looked out their front window, to see a wall of black baled tires. It could have been put there as a stick in their eye, but regardless a lot of the pictures were passed around in the Agriculture Committee. Once we got over that there was a legitimate or seemingly legitimate issue whether or not this was something they should or could you just go up to your property line and put a nine foot

wall of black tires in front of your neighbor's view. That was what they are trying to deal with.

**REP. JOHN BRUEGGEMAN, HD 74, POLSON**, stated that since it does resolve around my constituents, one of the problems you have with baled tires was the fact was they were a fire hazard. We are only beginning to see these come into the state and actually in his district they are bringing these tires in by the load. There was no doubt about it. They were very dangerous. He meant that was what he understood from the testimony he had received. It was something he thought a lot of other states were almost saying you can't do in some cases. You can't bring them in unless you have a huge bond put up and some very specific restrictions put on them and he thought that because it hadn't become a problem if they could nip this one in the bud before it became a real issue and we become a waste tire pit, it might be something we should aggressively pursue by getting a handle on it before it became a problem. He said he truly believed it would be a problem. We had a shredding operation that marketed and shredded every scrape tire in the northwest. They had real uses for that. They market a lot of it to Canada. It was recycled into road pavement and other beneficial uses but the baled tires do not have any beneficial uses and they end up basically cluttering up the landscape.

**REP. DEBBY BARRETT, HD 34, DILLON**, said in answering **SEN. PERRY'S** first question, the way she understood it when this bill came about, if it was just a loose tire, it was a waste. When they are baled, then they are not.

**CHAIRMAN STAPLETON** asked if anybody served on the House Committee? His take was exactly what **REP. BRUEGGEMAN** was touching on. A lot of these tire bales were being imported. In other words, if he remembered right, Oregon and Washington companies that baled these and they ship them out to Montana which were previously being put into the land fill. The land fill raised their prices so they needed to find new places to put these baled tires. If you charged a penny or whatever, then they don't fall under the category of waste, etc. These lanes of baled tires coming from Oregon or wherever were being accumulated on some people's private property and this company hired a lobbyist, **Mr. Crawly** from **Crawly Law Firm**, came in and testified. They had a lot of different things going on here. He had a question on the amendment. He asked **SEN. ELLIOTT** when you say within 500 feet of any road, commercial business, or private residence, was it your intent to exclude someone from being able to put it within 500 feet of their own residence?

**SEN. ELLIOTT** thought it was an interesting question. The matter of taste is not disputable if someone wanted to put a fence around their house of baled tires.

**CHAIRMAN STAPLETON** wondered about a private business and if it was your own business and if your business was racing race cars or whatever, certainly you would want it on your commercial business and if you liked surrounding your house with black tires as long as it wasn't within 500 feet of someone else's residence they can.

**SEN ELLIOTT** said perhaps we could put on commercial business or private residence which was not owned by the person who owns the tires. He wanted to address some of **SEN. PERRY'S** concerns. These tires were all imported from the State of Washington, outside Spokane, and he was not exactly sure how many tires they have there but he believed it was in the neighborhood of 1/2 million. A couple years ago a different outfit, a tire baling outfit, used trout creek land as a tire baling location. They imported 170,000 tires into Montana and either went bankrupt or lost interest in the operation and left. The County of Sanders was left with 170,000 baled tires to get rid of and it was a real problem. It was one that was not easy to address. There were essentially three or four uses you can use waste tires for. One was to burn them and the other was to shred them and make some other product. One was to put them into fences. The best use of baled tires, because it compressed a hundred tires into a single bale of 2 1/2 x 4 1/2 x 5 1/2 feet and you bury them. Tires if you bury them, and tires if they are very loose, have a propensity to float to the surface because of the air trapped in the tire. They are extremely difficult to dispose of.

**SEN. PERRY** asked about the purpose of concrete. He didn't hear the testimony on combustibility and was wondering if it was a matter of spontaneous combustion?

**CHAIRMAN STAPLETON'S** understanding was when they are actually baled they are not combustible.

**SEN. ELLIOTT** said they had testimony that they were very combustible.

**SEN. PERRY** asked relative to what product? What was the comparison? What was another product that was combustible? What does it take to ignite?

**CHAIRMAN STAPLETON** said they didn't have what you would call any sort of expert witnesses.

**SEN. ELLIOTT** stated a match would ignite a tire.

**REP. BRUEGGEMAN** said he would be honest and with this type of material it doesn't take much to set a tire on fire but thought you could probably argue about that. It was a petroleum product. If you have ever set rubber on fire, it burns. If you had ever burnt a tire, it was a pretty impressive thing. From his experience when his father and he go hunting, they cut up strips of inner tube, which was basically the same material, and that was what we burn when they were out. We burned little strips of inner tubes. It started very easily and it burned very hot and for a long time. It was the same thing as a tire.

**SEN. PERRY** said it was a less dense material, readily combustible and of a different composition as well. The tire itself, if you light a match, you are not going to set the tire on your car on fire. He was just wondering what the need for the concrete and it just didn't seem like a reasonable thing to him unless he could see a need for concrete.

**CHAIRMAN STAPLETON** asked if he was looking at the amendments or the bill?

**SEN. PERRY** said they were looking at the House amendment which would remain, right?

**CHAIRMAN STAPLETON** stated that **SEN. ELLIOTT** and he had talked about this and the reason it was a free conference committee was that after all the fun and games we wanted to come forward with some good legislation which was actually why, despite myself, he asked **SEN. PERRY** to be on it and **REP. HARRIS** being a legal mind, so we could come up with something that actually made sense legally. He thought at this point we need to make it a good bill. We can talk about all that and he saw everybody has some hen scratches on the amendments. It was his desire in the next thirty minutes to put together a bill. He would like it to go back to both bodies and pass. He would like input on how to make it a good bill.

**SEN. PERRY** said the part about the concrete, it might sound really nice but there was a logistic problem. How are they going to get the concrete around the bales?

**CHAIRMAN STAPLETON** added that a similar material could be used.

**SEN. PERRY** asked what was similar?

**SEN. ELLIOTT** said the main concern about enclosing it in some material was to maintain the integrity of the bill. The wires

and the strapping will eventually rust and break. He wanted to asked **REP. BARRETT** if his recollection was that somebody at the hearing did testify that spontaneous combustion could concur within those bales?

**REP. BARRETT** recalled that they had conflicting testimony. Some people said you couldn't get these bales to burn because all the air was removed. Other people said you could and **Mr. Hilger** said you couldn't set them on fire.

**SEN. ELLIOTT** and the other fellow from Polson said that they did burn.

**SEN. PERRY** asked if they had any scientific data on this matter? Before they were going to make informative legislation, it seemed like they should have some data.

**CHAIRMAN STAPLETON** expressed his thoughts on that as was "no" and we probably won't get any. His inclination was that when these baled tires were under such pressure there was no oxygen. Unless they were caught into a forest fire or some fire like that in which case everything burns, including houses and trees. They are no different except that they would last for a long time if they caught on fire.

**SEN. PERRY** said the other issue was the under water part.

**CHAIRMAN STAPLETON** said there was testimony that when they get into water that these become places that mosquitos like to breed. We had a lot of pictures and the property line happened to go down along a fence line and into marshy water and up above and that was why the mosquito testimony.

**SEN. ELLIOTT** said they did have a representative from the Montana Association of Conservation Districts here.

**CHAIRMAN STAPLETON** preferred to stay with the six on the committee. He didn't know if the environment was necessarily what the conference committee needed to do.

**REP. BRUEGGEMAN** said if one of these were banded with steel straps and you put it under water, it was going to break pretty quickly. He thought about it and he didn't think he would want to put baled tires under water in any circumstance. It would be something he would argue aside from the simple issue that maybe they are talking about mosquitos. The thought there was more broad reaching implications even beyond that for reason why they would say they are not going to put baled waste tires under water. It seemed like a common sense issue to him.

**CHAIRMAN STAPLETON** said he didn't get a real sense on all the comments, so could they go one amendment at a time and try to make each amendment make sense and move to amend this and then take a sense of where they were at and whether or not they liked the bill.

**REP. HARRIS** thought it was an excellent idea. He said number two would read as follows. Following the word "devices" on page 1, line 15, we would insert "notwithstanding any other provision of law, the department shall adopt rules authorizing other aboveground uses for baled waste tires, whether or not they are defined as solid waste." The reason this became a fairly important provision was because they are then going to turn over a fair amount of rule making authority over to the department, and the reason that was necessary was that none of us are experts on baled tires. We just are not. They can make perfectly good judgement after notice, comment, hearings, etc. about what uses are appropriate and what are not. Number two with my changes became a very important way of proceeding in terms of regulation of tire bales.

**CHAIRMAN STAPLETON** repeated **REP. HARRIS'S** version of #2.

**REP. HARRIS** said that would give the department the direction to develop rule making on this.

**REP. BRUEGGEMAN** asked **REP. HARRIS** if it said the department doesn't necessarily have to adopt rules authorizing other uses?

**REP. HARRIS** stated that was true. Although he thought it would become officially contentious that they will be called upon to adopt rules and they almost certainly should if this bill was worthwhile. It was worthwhile because it was an important problem, they should adopt rules.

**REP. BRUEGGEMAN** guessed it opened it up a little more and if that was what the committee was comfortable with that was fine.

**REP. HARRIS** asked if he could just follow up. He thought there was probably a lot of legitimate purposes and uses for baled tires and the department needed to conduct hearings and learn about the legitimate uses and the construction, etc. He agreed with **SEN. PERRY** that there may be all kinds of uses that were appropriate and would not hard the environment.

**REP. BARRETT** said she was in favor of **REP. HARRIS'S** changes to the amendment because at the House hearing this individual said it took him a year to be licensed by the state to go into this business. Now he doesn't know where he can use them or how he



can use them or if he can use them and she thought the state had a real problem.

**REP. HARRIS** said when they become solid waste then the department needs to promulgate rules which were protective of human health and the environment. When they are not solid waste they can adopt other standards. He thought this was a protective measure.

**CHAIRMAN STAPLETON** said they had a motion on amendment #2 as amended.

**Motion:** **REP. HARRIS** moved **AMENDMENT #2 AS HE HAD AMENDED IT. PASSED UNANIMOUSLY.**

**Motion/Vote:** **REP. HARRIS** moved **AMENDMENT #3 WITH THE EXCEPTION OF TAKING WASTE AS A MODIFIER IN FRONT OF TIRE BALE. Motion carried unanimously.**

**CHAIRMAN STAPLETON** had the last amendment #1 and wondered if anyone had figured out a good way of addressing the fact that if you wanted to put it on your own residence, near your own home, or by your own business that it would be okay.

**SEN. ELLIOTT** suggested that what struck him first of all was regarding a commercial business. Often we have a commercial business within an industrial park and we look at 500 feet, and that was a tenth of a mile, city blocks are 8 miles. That means on a regular city block you could put a bale even in the center of the property and that was a pretty good chunk of land actually. If it was a commercial business he thought that maybe there should be an exception here. He didn't have a problem with 500 feet of a road or private residence except that with regard to private residence we would have to address a boundary or something from it.

**CHAIRMAN STAPLETON** said as it currently would be it was quite restrictive and it said any of those things they can't be within 500 feet.

**REP. HARRIS** suggested segregating "private residence" from it but we haven't addressed schools or churches.

**CHAIRMAN STAPLETON** said it could be done in #2 which we adopted.

**SEN. ELLIOTT** said all he could think of was inserting, "within 500 feet of any road or commercial or private residence not owned by the person who owned the bales there."

**REP. BARRETT** suggested the wording "without the consent of the owner." If they had permission to put the bales around somebody else's house, you can do that.

**CHAIRMAN STAPLETON** asked what happened when that person moved and somebody else moved in and they don't like those tires and you can't move them because they are so darn heavy. In a case where they went into business together on our personal residences and they stack these a mile high and you move and the next owner of the property doesn't want those there, and he understood they were very hard to move once they are set down. He asked **REP. HARRIS** if "within 500 feet of any road, commercial business or private residence without the permission of the owner" would be alright to him?

**REP. HARRIS** said he would just have public road.

**SEN. ELLIOTT** said he had it drafted so it would be either public or private road to accomplish both.

**REP. HARRIS** said he thought that "without the permission" language would take care of that.

**Mr. Larry Mitchell, Legislative Services**, said the editors will make him say the same thing we have here, "within 500 feet of any road, commercial business or private residence without the consent of the owner of the commercial business or private residence.

**CHAIRMAN STAPLETON** asked if that made sense to everyone?

**Motion/Vote:** **REP. HARRIS MOVED AMENDMENT #1 "WITHIN 500 FEET OF ANY ROAD, COMMERCIAL BUSINESS, OR PRIVATE RESIDENT WITHOUT THE CONSENT OF THE OWNER OF THE BUSINESS OR RESIDENCE." MOTION PASSED UNANIMOUSLY.**

**REP. HARRIS** wanted to be sure that they were not allowing these tire bales in state waters or in a location where waste tires bales are likely to enter state waters.

**CHAIRMAN STAPLETON** stated it said "may not be placed under water under any circumstances.

**REP. HARRIS** said his concern was that sometimes it may be above water but likely to just topple in. Maybe it should be "in a location where tire bales were likely to enter any state waters."

**SEN. ELLIOTT** had no objects to that language.

**CHAIRMAN STAPLETON** wanted to know where he was putting it into the amendment

**Mr. Mitchell** presumed it would be line 19, following "circumstances". The sentence would read "or in a location where they are likely to enter any state water."

**REP. BRUEGGEMAN** asked if they needed to say "state water" or just "water?"

**REP. HARRIS** said he was happy with just water.

**CHAIRMAN STAPLETON** wanted to know if they wanted to say "waste tires" or "tire bales?"

**REP. HARRIS** wanted "tire bales."

**SEN. PERRY** stated that what they were saying was a rancher had a pond on his property and he wanted for some reason to put a bale of tires down in his pond to anchor something, for example, he couldn't do that because of this law.

**CHAIRMAN STAPLETON** said that was correct.

**SEN. PERRY** asked why?

**CHAIRMAN STAPLETON** stated it was because it would be the law. The reasoning that eventually it was going to become waste as defined by the amendment and what we did come away with was that water in these waste tire were not a good combination.

**SEN. PERRY** said if it were my place and my property and my pond, if it breaks inside of my pond completely covered with water, what does he have?

**SEN. ELLIOT** said he had an environmental disaster.

**CHAIRMAN STAPLETON** said no, but you would have solid waste.

**REP. BRUEGGEMAN** said he came from the same school of thought that my ground, he did what he wanted to do. He thought to some extent you have some relative common sense aspects here. If he wanted to anchor something under a pond for whatever reason it may be, pour a block of concrete and drop it down in there. He didn't think there was anything arguable that anyone would have an arguable reason why they would put a baled tire in a body of water. He understood because he didn't like stepping on anybody's toes.

**SEN. PERRY** asked if they could put concrete blocks in a pond?

**Mr. Mitchell** answered yes.

**SEN. PERRY** asked if they could then put concrete rubble in a pond?

**REP. BRUEGGEMAN** said he thought the nature of the tires are such that they have a potential volatile product. It was a petroleum product that he thought does pose some potential environmental threat. You know that the bale was going to break loose. Water and steel don't mix.

**SEN. PERRY** said he wasn't advocating placing baled tires in a pond or any other bottle of water. What he was pointing out was that it was an inert product, its cured and it's not going to do anything and the point was, what are we doing with the law. We are trying to make a law here and how extensive can the law be?

**REP. HARRIS** said perhaps the solution to this was in amendment #2. We will have this prohibition if we adopt my amendment but we will also allow the department to say what circumstances you could have bale tires underneath the body of water.

**REP. BARRETT** said perhaps **REP. HARRIS'S** choice made sense because doesn't our state have control of all surface water, or do they?

**Mr. Mitchell** said the definition of state water is in the state constitution and it describes what state waters are. There was a debate on who had control of it on reservations. Other than that it was defined in the Constitution as ground water, surface water and atmospheric, he believed.

**CHAIRMAN STAPLETON** said the thing he guessed somewhere in between these positions he agreed that probably any water included rain and then you get into everything.

**REP. HARRIS** stated he could modify his amendment by saying "state waters." That will take care of your particular problem. Would that work for you?

**CHAIRMAN STAPLETON** said it would read may not be placed under water under any circumstances or in a location where baled tires are likely to enter state waters.

**Motion/Vote:** **REP. HARRIS** moved **THE AMENDMENT TO NOT PLACE ANY BALED TIRES WHERE THEY WERE LIKELY TO ENTER STATE WATERS.** Motion carried unanimously.

**CHAIRMAN STAPLETON** asked for any further amendments.

**REP. BARRETT** said perhaps just a technical amendment that **Mr. Mitchell** could do if they weren't going to call them "waste baled tires" maybe he should go through and could take the waste out of all the tire bales.

**SEN. ELLIOTT** commented that he saw in the title an act restricting baled waste tires. In fact they are waste tires which are baled but baled tires are not waste.

**REP. BARRETT** wanted it consistent through the whole bill.

**Motion/Vote:** **REP. BARRETT** moved **MAKING TECHNICAL CHANGES IN THE BILL**. Motion carried unanimously.

**SEN. PERRY** would like to suggest that it was okay to pass this bill here and for the next couple of years it would be kind of nice before we required someone to put baled tires in concrete that we gain some more information over the next couple of years and if we need to do concrete, come back in two years and add the concrete part. That seemed reasonable to HIM because we don't have enough information in his opinion to step out and require this concrete at this point.

**SEN. ELLIOTT** thought that the rule making authority given it to the Department of Environmental Quality that would be able to state when it was appropriate.

**REP. BRUEGGEMAN** said they were going to leave that for any above ground purpose other than what was authorized by the department basically.

**SEN. ELLIOTT** said unless they are encased in a material that will maintain the integrity of the bale.

**CHAIRMAN STAPLETON** asked if everyone was okay with the language.

**SEN. ELLIOTT** asked **SEN. PERRY** if it were alright with him.?

**SEN. PERRY** said not entirely but his reasons were more complicated than we can deal with here.

**Motion/Vote:** **SEN. ELLIOTT** moved **THE AMENDMENT UNLESS THEY WERE ENCASED IN A MATERIAL**. Motion carried unanimously.

**Motion/Vote:** **SEN. ELLIOTT** moved **THE COMMITTEE REPORT AS AMENDED**.

**SEN. PERRY** said that when we say encase in a similar material, we don't even know what was a material. What was a material that will maintain the integrity of the baled tire? We are making a law here and we don't know what we are saying. What are we voting on?

**SEN. ELLIOTT** said we have given rule making authority and that can be done.

**SEN. PERRY** thought it might be better if they just scraped that language all together.

**CHAIRMAN STAPLETON** said if we read what we talked about, waste tires that are mechanically compressed for bale and bound together with cables, straps, wire, or other non permanent device may not be used for any above ground purpose unless they are 500 feet.

**SEN. PERRY** asked how serious a problem are we dealing with the straps popping? He could see if a crane lifted a 3000 pound, or whatever it weighs, and drops it and hits the ground, it was going to pop.

**SEN. ELLIOTT** said the seriousness of the problem for two county commissioners, one at Lake and one at Sanders Counties to be concerned about it. Both of those commissioners had extensive experienced with them

**SEN. PERRY** said with what information they had regarding the integrity of cables, straps, wires or other non mechanical devices, he was not sure they were doing right.

**SEN. ELLIOTT** said they rusted away.

**SEN. PERRY** said they take a bale out and we set it out here and it was there. After a while the pressure of the tires, the memory of the tires relaxes. Over the time the straps become less and less under tension. So to what extent do we have a problem that the straps are going to rust and break, if we use the stainless steel straps. Do we have a problem? What was the thickness of the straps? Were there anything else we could address here?

**CHAIRMAN STAPLETON** said essentially what we are talking about was in one hundred years from now and they will break or when those will be underground or what not, and then it will be in definition solid waste. My question was what were your thoughts? Were they the bill wasn't needed or was your thoughts that the

amendments we adopted or where are you? Or do you think it was not prudent to insist that they have to be encased.

**SEN. PERRY** asked if they were doing anything that going to jeopardize any business?

**SEN. ELLIOT** said these amendments are addressed so that a business was not jeopardized. That was the sole reason that he did not accept the House amendments.

**CHAIRMAN STAPLETON** said he thought they did two things today that will help that. **REP. HARRIS** gave stricter departmental rule "shall adopt the rules". They will have to take a look at it. You will be back and you will know this and if it had gone array we will probably know about it and there will probably be enough of us to make a change. We have a motion to move the committee report as amended.

**Motion carried unanimously.**

**Mr. George Ochenski, lobbyist,** commented that this FCC was listed as conference committee and those interested parties may or may not have had direction from their clients on whether this bill would be rewritten in this conference committee.

**SEN. ELLIOTT** said his understanding that the notice of committee meetings were basically suspended ten days prior to transmittal.

**CHAIRMAN STAPLETON** said he was exactly right. Conference Committees don't even need public notice. We try to do our best but things move very quickly in the last eight days.

**ADJOURNMENT**

Adjournment: 3:55 P.M.

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SEN. COREY STAPLETON, Chairman

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Fredella D. Haab, Secretary

DB/CS/FH

**EXHIBIT (frs82sb0375aad)**